S.B. CIVIL WRIT PETITION NO.5381/2004
(Narbada Devi vs. State of Rajasthan & Ors.)

Date :: 03.05.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.Rajeev Purohit, for the petitioner.
Mr.B.K. Vyas]
Mr.Dilip Mulchandani]
Mr.Ajay Vyuas] for the respondents.

Heard learned counsel for the parties and gone through the impugned order dated 25th May, 2004.

It is contended by learned counsel for the petitioner that by way of filing revision petition under Section 300 of Municipalities Act, 1959 the respondent No.4 has challenged the order dated 23/24th January, 2004 passed by Commissioner, Municipal Council, Bikaner before the Divisional Commissioner, Bikaner.

The Divisional Commissioner, Bikaner vide order dated 25th May, 2004 remitted the case to the Additional Collector (Admn.), Bikaner which is not permissible under the law because either the Divisional Commissioner is require to decide the case on merit or he can remit the case to the authority concerned who has passed the impugned order.

Accordingly, in the interest of justice, while quashing the order dated 25th May, 2004, the Divisional Commissioner, Bikaner is directed to decide the case on merit within a period of three months from the date of receipt of this order.

With these directions the petition is disposed of.

{GOPAL KRISHAN VYAS}, J.

A.K. Chouhan/-